

CHARLES RAY HICKS,

Petitioner

V.

**JOHN E. WETZEL, Secretary,
Pennsylvania Department of
Corrections; ROBERT GILMORE,
Superintendent of the State
Correctional Institution at Greene;
and MARK GARMAN,
Superintendent of the State
Correctional Institution at
Rockview,**

Respondents.

No. 1:17-CV-1969

(Chief Judge Conner)

THIS IS A CAPITAL CASE

ORDER

AND NOW, this 14th day of March, 2019, for the reasons set forth in the accompanying memorandum of this date, it is hereby ORDERED that:

1. The motion to stay these federal proceedings (Doc. 28) is DENIED. This case is dismissed without prejudice to allow petitioner to exhaust federal claims for relief in state court.
2. The motion to seal (Doc. 30) is DENIED as moot. The Clerk of Court shall return the documents pending sealing decision (Docs. 31-36) to the custody of petitioner's counsel.
3. The motion for an order directing the Department of Corrections to allow counsel to provide petitioner with confidential legal documents in a manner that does not violate attorney/client privilege (Doc. 32) is DENIED.
4. The motion to stay the motion for an order directing the Department of Corrections to allow counsel to provide petitioner with confidential legal documents in a manner that does not violate attorney/client privilege (Doc. 37) is DENIED.

5. The Clerk of Court shall CLOSE this case.
6. There is no basis for the issuance of a certificate of appealability. See 28 U.S.C. § 2253(c).

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania